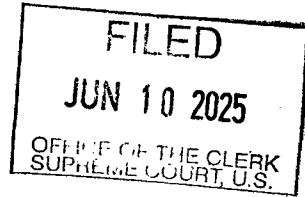


25-5845  
No. \_\_\_\_\_



IN THE  
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER-MICHAEL:WILLIAMS-PETITONER

VS.

JUDGE MARYLIN ZAYAS, ET AL., -RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

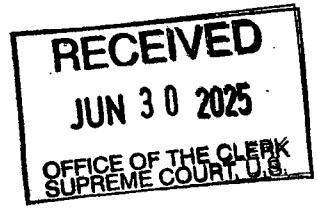
OHIO SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

*Christopher Michael Williams*  
PETITONER, IN PROPRIA PERSONA  
CHRISTOPHER-MICHAEL:WILLIAMS #A723-739

Address: 15802 State Route 104 North, Chillicothe Ohio 45601

PHONE NUMBER TO THE PRISON (740)-774-7080



## QUESTIONS PRESENTED

**QUESTION #1:** Does a state Court Judge, commit a violation of a Defendants 14<sup>th</sup> Amendment rights to the United States Constitution for Due process, and equal protection of the law, when they deny them equitable tolling under an Ohio statute, due to an erroneous mischaracterization of a motion to reconsider?

**QUESTION #2:** When it comes to the question of 11<sup>th</sup> Amendment Immunity for a state, and Judicial immunity for violation of a Defendants 14<sup>th</sup> Amendment rights to the United States Constitution for Due process, and equal protection of the law; Is it an administrative act, or a judicial act by a State Court judge, when a statute from state legislature commands that an act shall be done if elements are met?

**QUESTION #3:** When it comes to the question of 11<sup>th</sup> Amendment Immunity for a state, and Judicial immunity for violation of a Defendants 14<sup>th</sup> Amendment rights to the United States Constitution for Due process, and equal protection of the law; *are* there acts commanded by state legislature, that compel judges to do an act, in a way, where there is no discretionary conduct applicable?

## **LIST OF PARTIES**

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### Ohio Supreme Court Justices

1. Sharon L. Kennedy
- 2.R. Patrick DeWine
3. Jennifer Brunner
4. Joseph T Deters
5. Daniel R. Hawkins
6. Megan Elizabeth Shanahan

Address:

The Ohio Supreme Court, 65 S. Front St. Columbus, OH 43215 Franklin County

### Hamilton County First Appellate Court Judges

- 7.MARYLIN ZAYAS, Presiding Judge
- 8.ROBERT WINKLER
- 9.JENNIFER KINSLEY,

Address:

230 East 9th Street, 12th Floor Cincinnati, Ohio 45202

Counsel for all defendants: Ohio Attorney General Dave Yost

30 East Broad Street, 23rd Floor  
Columbus, Ohio 43215

## **RELATED CASES**

Williams v. Shoop, 2023 U.S. App. LEXIS 7349, United States Court of Appeals for the Sixth Circuit  
March 28, 2023, Filed, No. 22-3607

Williams v. Chillicothe Corr. Inst., 2022 U.S. Dist. LEXIS 99068, United States District Court for the Southern District of Ohio, Western Division, June 2, 2022, Decided; June 2, 2022, Filed,  
Case No. 1:20-cv-99

\*The lower federal courts had no jurisdiction to rule on the Habeas Corpus do to pending court actions that where raised in the petition\*

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## **STATUTES AND RULES**

Ohio Appellate Rule 26 (A)

Ohio Supreme Court Practice Rule 7.01(A) (5)

## **OPINIONS BELOW**

This case is from **Ohio state courts**:

The opinion of the highest state court to review the merits appears at **Appendix A** to the petition and is reported at State ex rel. Williams v. Zayas, 2025 Ohio LEXIS 66, and; State ex rel. Williams v. Zayas, 2025-Ohio-1613 or,

The opinion of the Court of Appeals of Ohio, First Appellate District, Hamilton County court appears at **Appendix B** to the petition is reported at State v. Williams, 2024-Ohio-1148.

## **JURISDICTION**

For cases from **state courts**:

The date on which the highest state court decided my case was May 07, 2025.

A copy of that decision appears at **Appendix A**.

A timely petition for rehearing was denied on July 16<sup>th</sup>, 2024, and a copy of the order denying the rehearing appears at **Appendix C**.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a)

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### 14th Amendment Due Process and Equal Protection Claim

#### STATEMENT OF THE CASE

<sup>1</sup>That Justice is a blind goddess Is a thing to which we blacks are wise: Her bandage hides two festering sores That once perhaps were eyes. - Langston Hughes

¶1.) Following an unconstitutional charge brought against me under an unconstitutional statute, due to the prosecuting attorney of Hamilton county lying to the grand jury, saying "*I confessed*"; resulting in and an unfair jury trial in 2016, I was wrongfully convicted of two counts of rape of a child under the age of ten and sentenced to two consecutive life terms. The alleged victims were my two young daughters, who, allegedly, separately reported to their mother the abuse that had occurred while they were on overnight visits with me. Prior to trial and in open court, I rejected a plea offer by the state due to fraud and during trial, there was a **usurpation of my right** to govern my own defense, against the erroneous and manipulative advice of counsel, I turned down a plea deal that would have included only a six-year sentence. The Appellate Court erroneously affirmed my convictions and sentences on direct appeal, overruling several assignments of error including an objection to videos that were testimonial in nature, due to one of the alleged victims testifying on the stand that she did not remember the alleged events. State v. Williams, 2017-Ohio-8898, 101 N.E.3d 547 (1st Dist.), discretionary appeal not allowed, 154 Ohio St. 3d 1502, 2019-Ohio-345, 116 N.E.3d 155.

¶2.) On September 6, 2017, I filed a timely petition for postconviction relief setting forth the following claims:

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<sup>1</sup> Langston Hughes, Justice, quoted in Milton Meltzer, Langston Hughes: A Biography 160 (1968). Hughes penned the poem in honor of the Scottsboro Boys, eight Alabama youths incarcerated in 1931 for a rape they did not commit. See Brent Pattison, Minority Youth in Juvenile Correction Facilities: Cultural Differences and the Right to Treatment, 16 Law & Ineq. 573, 573 n.3 (1998).

(1) trial counsel was ineffective for failing to call the victims mother's boyfriend, a registered *child sex offender*, as a witness;

(2) trial counsel was ineffective for failing to investigate the mother of the victims boyfriend, a registered *child sex offender*, (The mother only reported the crimes after she had discovered that Williams was seeking visitation with his daughters (See letter filed by Talbert House Exhibit A);

(3) My due-process rights were violated when the trial court denied me reasonable bond and where the indictment listed a period of time over which the offenses occurred instead of a specific date; and

(4) My sentences violated the Eighth Amendment.

In support of my two ineffective-assistance-of-counsel claims, I submitted the affidavit of my girlfriend who attested that, my trial attorney promised us to call the alleged victims mother's boyfriend to the stand, because he was dating their mother during the time in question and attended the victims' birthday party in July 2013. I also submitted a document from an offender-registration website indicating that mother's boyfriend was a *registered child sex offender*, who did not have the permission to be around kids, and the affidavit of my case manager at the Talbert House "Fatherhood Program", who attested that he had assisted me in "filling out visitation forms for Warren and Hamilton Counties" and that Williams "sought assistance with completing a custody packet" in September 2014 which prompted the victims mother initiating this false claim. The trial court erroneously denied the petition without findings of fact and law, and the required hearing to determine the validity of the affidavits submitted in the petition, in violation of Ohio Law in *State v. Calhoun*, 86 Ohio St. 3d 279<sup>2</sup>, and thus never entered a final appealable order and froze the state adjudication process barring me from exhausting state remedies.

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<sup>2</sup> A trial court properly denies a petition for post-conviction relief, made pursuant to Ohio Rev. Code Ann. § 2953.21, and issues proper findings of fact and conclusions of law where such findings are comprehensive and pertinent to the issues presented, where the findings demonstrate the basis for the decision by the trial court, and where the findings are supported by the evidence.

¶3.) Due to me being ignorant of the law on how to compel the trial court to produce an appealable order, I sought to do it through a Federal Habeas Corpus and a post-conviction two years later in December 2019, I filed a successive petition for post-conviction relief. In my first three grounds for relief, I assert that trial counsel was ineffective for (1) failing to call mother's boyfriend a registered child sex offender as a witness; (2) failing to allow me to govern my own defense to present a meaningful defense; and (3) providing "erroneous legal advice" with respect to the state's plea offer of six years.

¶4.) With respect to the first three grounds for relief, I argued that the only rejected the state's plea offer because my trial counsel had constructed a defense with me to that required him to call the victims mother's boyfriend, *a registered child sex offender*, as a witness at trial to proffer an alternative suspect defense. In support of these claims, I submitted the affidavits of my girlfriend, uncle, and mother, all of whom attested that trial counsel gave a legal promised and assurance, to call mother's boyfriend as a witness.

¶5.) The common pleas court illegally dismissed my 2017 petition without findings of Facts and conclusions or a hearing to determine the validity of the facts proffered in the affidavits. The fact that the trial court violated my *Calhoun* rights, and was in contempt of the Ohio Supreme Court by not giving me a final appealable order in Ohio law of *Calhoun* I timely appealed to the defendants in the First Appellate district of Hamilton County, Ohio. Amazingly, the error of the trial court to give me due process was admitted by the Hamilton County Court of Appeals judge Zayas in her response to the second motion for reconsideration I filed under Appeal No. C-230333. She disregarded How I argued that issue in the direct appeal then denied to correct the contempt of the trial court and erroneously characterized my timely motion to reconsider as a "Delayed motion to reconsider." This effectively caused a new judicial error in which I needed to appeal for abuse of discretion, but could not due to her responding on July 16<sup>th</sup>, 2024 ruling the motion untimely creating the appearance that a timely appeal would be May 12<sup>th</sup>, 2024 when in reality the time to appeal due to equitable tolling of Ohio App. R. 26(A) would have been August 21<sup>st</sup>, 2024, causing the due process and equal protection injury. After she admitted that the trial court failed in

its erroneous ruling by not applying *Calhoun*, and that my initial reconsideration was timely, The Appellate Court neither:

1.) exercised her Judicial authority to compel the trial court to grant my *Calhoun* Rights as required by her position **De Novo**<sup>3</sup>, nor  
2.) **Recalled the mandate**<sup>4</sup>, as it related to the administrative portion in the timeliness of my filing of the reconsideration so that I may benefit from the equitable tolling effected by the statute Ohio Appellate Rule 26(A) which states:

(A) Application for reconsideration and en banc consideration.  
(1) Reconsideration.

(a) Application for reconsideration of any cause or motion submitted on appeal shall be made in writing no later than ten days after the clerk has both mailed to the parties the judgment or order in question and made a note on the docket of the mailing as required by App.R. 30(A).

(b) Parties opposing the application shall answer in writing within ten days of service of the application. The party making the application may file a reply brief within seven days of service of the answer brief in opposition. Copies of the application, answer brief in opposition, and reply brief shall be served in the manner prescribed for the service and filing of briefs in the initial action. Oral argument of an application for reconsideration shall not be permitted except at the request of the court.

(c) The application for reconsideration shall be considered by the panel that issued the original decision.

Ohio App. Rule 14 (A) further shows that if the date the 10<sup>th</sup> day falls on is not a business day then the next day of business for the court is when the application for reconsideration is due. Whereby, Ohio App. Rule 14 states:

**Computation and extension of time** (A) Computation of time. In computing any period prescribed or allowed by these rules, by the local rules of any court, by an order of court or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of

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<sup>3</sup> A trial court's decision to deny a post-conviction petition without a hearing is reviewed under the abuse-of-discretion standard. *State v. Boddie*, 10th Dist. No. 12AP-811, 2013-Ohio-3925, ¶ 11, citing *State v. Campbell*, 10th Dist. No. 03AP-147, 2003-Ohio-6305, ¶ 14. An abuse of discretion entails a decision that is unreasonable, arbitrary or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219, 5 Ohio B. 481, 450 N.E.2d 1140 (1983).

<sup>4</sup> "Recall of mandate is not ordinarily allowed. However, a court has the power to set aside any judgment and to recall mandate, where necessary to protect the integrity of its own processes." *Serra v. Nicholson*, 19 Vet.App. 268, 271 (2005) (citing *Sargent v. Columbia Forest Prods., Inc.*, 75 F.3d 86, 89 (2d Cir. 1996)). The power to recall mandate is at the Court's discretion and "may be exercised only for good cause or to prevent injustice, and only when 'unusual circumstances' exist sufficient to justify modification or recall of a prior judgment." *Id.* (quoting *Zipfel v. Halliburton Co.*, 861 F.2d 565, 567 (9th Cir. 1988)); see *McNaron v. Brown*, 10 Vet.App. 61, 62 (1997) (holding that the power to recall mandate should only be exercised in "exceptional [\*3] circumstances").

the next day which is not a Saturday, Sunday or a legal holiday. When the period prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Instead the court said it would not reissue its mandate to reflect the proper date so that I may timely appeal , even though the error was on the fault of the First Appellate District Court.

¶6.) After the Appeals Court Justices of the First District of Ohio erroneously denied my appeal contrary to established Federal and Ohio State law through abuse of discretion, they took it a step further, and denied me equitable tolling to timely appeal to the Ohio Supreme Court by characterizing my motion for reconsideration as untimely. (See the **First response to motion to reconsider filed under case number C-230333 entered on April 8<sup>th</sup>, 2024.**) This was filed beyond the time that I could timely appeal to the Ohio Supreme Court, and the Ohio Supreme Court did not have jurisdiction to hear my appeal due to the filing of the reconsideration under Ohio App. Rule 26(A). The only relief I had was to refile another motion to reconsider that was filed on November of 2024, and the defendant's responded on September 20<sup>th</sup>, 2024, *admitting* that the trial court did not follow the *Calhoun* standard, and falsely alleged that I did not raise the issue in my direct appeal. If this court would look at my direct appeal in Appeal No. C-230333, you can see that on page 18 through 21 that, I did in fact only argue that my *Calhoun* rights were violated in the trial courts denial of my postconviction, but that's not why I am here today. (See **Exhibit A “Grievance filed to Disciplinary Counsel”.**) I am here because my right to timely file to the Ohio Supreme Court was barred and destroyed through the way the Defendants erroneously characterized my reconsideration as untimely.

Jezerinac v. Dioun, 168 Ohio St. 3d 286 Ohio Supreme Court established:

Ohio's appellate rules permit a party to ask a court of appeals to reconsider a prior decision and provide that the request shall be considered by the panel that issued the original decision. App.R. 26(A)(1)(c)...The Supreme Court of Ohio has read Ohio Const. art. IV, § 3(A), to mandate that appellate cases shall be heard by at least three judges to ensure that each case is properly reviewed. ...Ohio's rules explicitly provide a right to file for reconsideration, App.R. 26(A)(1), and an application for reconsideration tolls the time for filing a jurisdictional appeal to the Supreme Court of Ohio, S.Ct.Prac.R. 7.01(A)(5). Thus, a case has not been disposed of until the court of appeals rules on the reconsideration application. As a consequence, the constitutional requirement that three judges must participate in the hearing and disposition of each case necessarily includes any decision made on an application for reconsideration.

¶7.) The defendants went further, admitting that my first motion for reconsideration filed April 8<sup>th</sup>, 2024 *was timely filed*, and that she would not recall her mandate to correct the *administrative error*, even though by doing so she divested me of my appellate rights to the Ohio Supreme court due to not allowing me to benefit from the statute Ohio App. R. 26(A), and my 14<sup>th</sup> Amendment right in the United states constitution while under color of State of Ohio Law. When policy and custom that violates an *administrative* right is perpetuated upon a U.S. Citizen by a judge, that is absent of discretion, a 42 USCS action can be brought against the judge for prospective equitable relief. Nevertheless, before I could bring my federal civil rights action, I had to exhaust my State of Ohio administrative remedies. So I brought and Original Action of Mandamus to the Ohio Supreme Court.

In **State ex rel. White v. Richard, 153 Ohio St. 3d 277** the Ohio Supreme Court stated:

Under this court's rules, White needed to file his notice of appeal from the July 27, 2017 judgment by September 11, 2017. See S.Ct.Prac.R. 6.01(A)(1) and 3.03(A)(1). His notice of appeal, filed on September 20, 2017, was untimely. We therefore dismiss the appeal for lack of jurisdiction. See S.Ct.Prac.R. 6.01(A)(3). That White filed an application for reconsideration and purports to appeal the court of appeals' judgment denying that application does not change the result. His habeas petition was an original civil action in the court of appeals. See *Fuqua v. Williams*, 100 Ohio St.3d 211, 2003-Ohio-5533, 797 N.E.2d 982., The Rules of Civil Procedure therefore applied in the proceedings below, see *State ex rel. Pendell v. Adams Cty. Bd. of Elections*, 40 Ohio St.3d 58, 60, 531 N.E.2d 713 (1988), and those rules do not allow applications for reconsideration of final judgments, *Pitts v. Ohio Dep't of Transp.*, 67 Ohio St. 2d 378, 423 N.E.2d 1105 (1981), paragraph one of the syllabus. This means that White's application for reconsideration is a nullity, as is the court of appeals' judgment denying that application. Pendell at 60. It follows that the court of appeals' September 8, 2017 judgment is not an appealable order. And although S.Ct.Prac.R. 7.01(A)(5) tolls the time for filing a jurisdictional appeal when an application for reconsideration has been filed in the court of appeals under App.R. 26(A)(1), neither rule applies to White's post judgment filing. See Pendell at 60. Therefore, White's application for reconsideration cannot cure the untimeliness of his appeal.

¶8.) In November of 2024, I brought an original actin of mandamus, requesting that the Ohio Supreme Court to issue a mandate to the Hamilton County Appeals Court to recall their mandate to reflect that My first motion for reconsideration was timely so that I may properly appeal to the Ohio Supreme Court as a timely appeal. The Ohio Supreme Court, without a published Opinion, denied this current matter at bar. The defendants alleged that I did not construct my affidavit correctly, so I reinitiated the Original

Action anew, with a proper affidavit on Feb 6<sup>th</sup>, 2025, to remove defendants of that defense if I was forced to bring this action to the federal court for relief. The motion to dismiss filed by the defendants against my second action, was granted by the Ohio Supreme Court, contrary to established Ohio law and Federal law, which brings me here today seeking prospective equitable relief to grant me equal protection of the law as to the equitable tolling of the Ohio statute Ohio.App.R. 26(A).

¶9.) The USCS 42 §1983 states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

This is exactly what happened in the case at bar. The defendants being agents acting under color of law, by conspiracy, has violated my 14<sup>th</sup> Amendment right in the United States Constitution to have equal protection of the law Ohio App. Rule 26(A), equally like all other litigants in Ohio courts. It was malicious, and with bad faith that the defendant denied me equal access and benefit from the law under Ohio App. Rule 26 (A) because it placed me outside of the time to file a timely appeal due to the 45-day limit of the Ohio Supreme Court jurisdiction, and divested the Ohio supreme court of jurisdiction through its intentional contrivance.

¶10.) There are three exceptions to judicial immunity, however, that may be relevant here. First, judicial immunity does not apply to official capacity claims that seek prospective relief. Second, "a judge may be held liable for 'nonjudicial actions, i.e., actions not taken in the judge's judicial capacity.'" Examples of such nonjudicial actions include "administrative" actions, such as "instructing court personnel on how to process the petitions made to court." Such actions differ from judicial actions, which typically "alter the rights and liabilities of ... parties." Third, a judge can be liable for undertaking judicial acts "in the complete absence of all jurisdiction." A judge may be held liable for nonjudicial actions, i.e., actions not taken in the

judge's judicial capacity. Examples of such nonjudicial actions include administrative actions, such as instructing court personnel on how to process the petitions made to court. Such actions differ from judicial actions, which typically alter the rights and liabilities of parties. A judge can be liable for undertaking judicial acts in the complete absence of all jurisdiction. Whereby, I am suing the defendants in their official capacity, for prospective equitable relief to stop an ongoing violation to my 14<sup>th</sup> Amendment Constitutional Rights. The alleged actions were not taken in a judicial capacity but and administrative one. Moreover, the injury suffered by Plaintiff Williams was not from the judgment, but from the administrative action made by Defendants that killed my appeal rights in violation of the 14<sup>th</sup> Amendment.

Pulliam v. Allen, 466 U.S. 522 stated:

The Supreme Court has never had a rule of absolute judicial immunity from prospective relief, and there is no evidence that the absence of that immunity has a chilling effect on judicial independence. None of the seminal opinions on judicial immunity, either in England or in the United States, have involved immunity from injunctive relief. No court of appeals ever has concluded that immunity bars injunctive relief against a judge. At least seven circuits have indicated affirmatively that there is no immunity bar to such relief, and in situations where in their judgment an injunction against a judicial officer is necessary to prevent irreparable injury to a petitioner's constitutional rights, courts will grant that relief.

Further stated by this court in Mireles v. Waco, 502 U.S. 9, 11, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991).

Morrison v. Lipscomb, 877 F.2d 463 6th Circuit Court of Appeals stated:

Any time an action taken by a judge is not an adjudication between parties, it is less likely that the act is a judicial one...A government official performing a discretionary function is entitled to qualified immunity from a suit for damages if the official has not violated clearly established constitutional rights of which a reasonable official would have known...Government has a responsibility to protect the lives, liberties, and property of its citizens, and part of that responsibility includes the provision of courts where individual citizens can seek the vindication of their rights...Any state attempt to limit the right of individuals to go to court to have their rights vindicated is a matter of serious import.

¶11.) Defendants Conspired to deny me my civil rights under the 14<sup>th</sup> Amendment by denying the recall of the mandate as it relates to denying the administrative correction sought after in the mandamus. My only relief is to seek this action for prospective equitable relief to stop the ongoing violation to my 14<sup>th</sup> Amendment Rights in the United States Constitution which states:

*All persons* born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This means as a U.S. Citizen I have the right to benefit from the equitable tolling in the Ohio statute, and the capricious administrative move by the defendants shall be corrected by the law in this honorable court because it was not a discretionary act to deny me the administrative effect of the statute. The only reasonable act by the defendants would have been to correct the mandate to reflect that the motion for reconsideration was timely filed, not simply admit it many moons later, and then say that you will not correct your judgment to reflect that administrative fact. The power of the statute and its effect is independent of the State court Judge's discretion, and the state court judge can't write the law, but must carry out the intent of the lawmakers when they constructed the statute 26(A). Ohio App. R. 26 (A) tolls the time to appeal to the Supreme Court of Ohio, because the reconsideration is appealable under the abuse of discretion standard, meaning the Ohio Supreme Court obtains Jurisdiction once the Reconsideration is ruled upon by the Appellate Court.

¶12.) Judicial immunity does not apply to official capacity claims that seek prospective relief. A judge may be held liable for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. Examples of such nonjudicial actions include administrative actions, such as instructing court personnel on how to process the petitions made to court. Such actions differ from judicial actions, which typically alter the rights and liabilities of parties. A judge can be liable for undertaking judicial acts in the complete absence of all jurisdiction. Qualified immunity protects government officials performing discretionary functions from civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. Courts may consider at the dismissal stage whether, as a matter of law, qualified immunity bars suit under the facts pled by the plaintiff. The Defendants conduct violated my constitutional right by adopting a custom of ruling timely sent motions for reconsideration as untimely, and the policy that prohibits State of Ohio Prisoners from exercising their right

to file a motion for reconsideration given their diminished circumstances being in prison, for the 10-day rule is unbearable for Ohio inmates.

¶13.) Federal courts, aside from the Supreme Court, cannot revisit a state-court ruling that constitutes a judicial decision. The actions of the defendant were an erroneous administrative decision to capriciously label a timely petition as untimely, or a delayed motion, when in fact it was timely. In all cases in which a state prisoner has defaulted his federal claims in state court pursuant to an independent and adequate state procedural rule, federal habeas review of the claims is barred unless the prisoner can demonstrate cause for the default and actual prejudice as a result of the alleged violation of federal law, or demonstrate that failure to consider the claims will result in a fundamental miscarriage of justice. Citing *Coleman v. Thompson*, 501 U.S. 722

¶14.) "A case arises, within the meaning of the Constitution, when any question respecting the Constitution, treaties, or laws of the United States has assumed such a form that the judicial power is capable of acting on it. A declaration on rights as they stand must be sought, not on rights which may arise in the future, and there must be an actual controversy over an issue, not a desire for an abstract declaration of the law. The form of a proceeding is not significant. It is the nature and effect which is controlling." D.C. Court of Appeals v. Feldman, 460 U.S. 462 Prospective equitable relief, Declaratory relief, and Injunctive Relief is requested due to the ongoing constitutional violation of my 14<sup>th</sup> Amendment rights, my personal stake in the controversy, and the substantial and immediate irreparable injury to my rights, and the unavailability of any other remedies at law. I am seeking declaratory relief to have my rights declared as they relate to Ohio App. Rule 26(a), and the duties of the defendants measured with their obligations under Federal law. .") The Defendants violated my rights when I was capriciously removed from the equitable tolling of time under the statute due to an erroneous construing of my application as untimely, and I am seeking declaratory relief, and prospective equitable relief, not damages. I am bringing this action against the defendants in their official capacities pursuant to 28 U.S.C. §2201 for declaratory, and 42 U.S.C. §1983 for prospective equitable relief. The ongoing actions of the defendants, state judges, violate Plaintiff Williams rights under

the 14<sup>th</sup> Amendments Due process clause, and Williams' 14<sup>th</sup> Amendment Equal protection of the law rights.

### **REASONS FOR GRANTING THE PETITION**

The act of granting this petition will awaken Judges in this jurisdiction that this court is aware of violations due to personal opinion and that the court is not sleep due to all the major conflicts that we face as a growing country. Sometimes when the master is gone the servant slacks, and presumes he will not be held accountable. The beautiful thing about our country is the system of checks and balances, and the encouragement we receive to hold all to the eternal standards in the constitution. Even as a prisoner, I am a U.S. Citizen, and I play a role in making our nation greater one legal action at a time. As I never give up on the hope of justice and the power of preparation and due diligence till my opportunity comes, I keep that liberating portion of the American Flame lit. I know that one day I will receive justice, I can just feel it coming like the inevitable rising of the sun, and I believe this court should have a word in my story.

There has been a constitutional violation on the part of these state court judges to deny me the right to benefit from the law as promised by the 14<sup>th</sup> Amendment. This Honorable court has the power and the duty to uphold the constitution for great public interest, and the people of America has spoken that when the rights of one are denied, so are the rights of all. People desire to come here due to the tales of equity and the care that we have for all regardless of class. One can only dream of having their case heard by this court knowing that it is not a right but a matter of discretion. This court is passionate about the constitution regardless of its opposing views of how it should be carried out. In this instance it is clear that the defendants violated my constitutional rights, and for that reason the writ should be granted.

## CONCLUSION

The constitution witnesses against the defendants and the petition for a writ of certiorari should be granted.

Respectfully submitted,

*Christopher-Michael Williams*  
Date: June 8<sup>th</sup>, 2025